STATE OF COLORADO } } ss COUNTY OF ELBERT }

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, May 11, 2022, there were present:

Chris Richardson

Chair

Grant Thayer

Vice Chair

Rick Pettitt

Commissioner

Amanda Moore

Deputy Clerk to the Board

When the following proceedings, among others were had and done, to wit:

APPROVE RESOLUTION 22-20

POTESTIO BROTHERS REZONE (CASE NO. RZ-21-0073)

A REQUEST TO REZONE APPROXIMATELY 35-ACRES FROM AGRICULTURE (A) TO INDUSTRIAL (I) TO ACCOMMODATE THE EXISTING POTESTIO BROTHERS BUSINESS AT 3890 COUNTY RD 174, PARKER.

WHEREAS, the applicant Tom Maroney on the behalf of the property owner has submitted an application (Case No. RZ-21-0085) requesting approval of a rezoning from Agriculture (A) to Industrial (I); and

WHEREAS, 3890 County Road 174 LLC is the current owner of the property subject to the proposed Rezoning request; and

WHEREAS, on April 19, 2022 the Planning Commission held a public hearing on the proposed Potestio Brothers Rezone. At the hearing there were presentations by Staff and the applicant, and public comment was solicited. On a vote of 6-0, Planning Commission forwarded a recommendation of approval with conditions to the Board of County Commissioners for consideration; and

WHEREAS, the Board of County Commissioners, having found that the original hearing was properly noticed, and having reviewed the recommendation of the Planning Commission, and having reviewed the documentation of the applicant, and having listened to all public comment, and being fully advised in the premise;

BE IT THEREFORE RESOLVED, the Board of County Commissioners for the County of Elbert, Colorado does hereby approve the POTESTIO BROTHERS REZONE Case No. RZ-21-0073) with conditions of approval to include:

- 1. The applicant will be required to remove the public hearing sign within seven (7) days of a decision by the Board of County Commissioners; and
- 2. The Rezoning shall not become effective until all fees are paid, conditions of approval are met, and the Rezone Exhibit is recorded; and
- 3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval; and
- 4. The applicant will receive approval of a Site Development Plan prior to the recordation of the Rezone Exhibit; and
- 5. Record and provide the easements requested by CORE Cooperative to CDS prior to recordation of the Rezone Exhibit; and
- 6. Provide CDS with a copy of an approved change in occupancy permit from Elbert County Building prior to the recordation of the Rezone Exhibit; and
- 7. Complete a septic inspection with ECPH and provide approval documentation to CDS prior to recordation of the Rezone Exhibit.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

CHRIS RICHARDSON, CHAIR

GRANT THAYER, VICE CHAIR

RICK PETTITT, COMMISSIONER

ATTEST: DALLAS SCHROEDER COUNTY CLERK

BY: amandawmoore

Deputy Clerk to the Board - Amanda Moore